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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1 – 26 are pending in the application. Claims 1 – 26 have been rejected. Claims 1, 11 – 12, 15, 22 and 26 have been amended. Claims 6 – 10 and 18 – 21 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1 – 26 under 35 U.S.C. § 102(b), as being anticipated by Woolston (US 6,085,176).

Applicants respectfully traverse this rejection in view of the remarks that follow.

Woolston is a market for collectible goods. As such, it records information regarding the goods being sold, it provides the market for auctioning/selling such goods and it records the sale to the new owner. Woolston is not a method and/or system for detecting counterfeit goods, as is recited in claim 11 of the present application. Specifically, Woolston does not have:

“providing a certificate of authenticity of said retail product if a unique article number marked on said label is registered by a third party authority to a store from which said retail product is to be bought.” (claim 11)

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Instead, Woolston requires that the person posting the goods provide information regarding the goods' authenticity:

"The consignment node user then takes possession of the card and may affix the bar code label to an appropriate cardholder. It should be noted by the consignment node user may again "add value" to his consignment node by entering subjective criteria in the database entry for authenticity, condition, special attributes and the like. The participant or local resident may now electronically present his Frank Robinson card to any consignment node, consignment node auction or consignment node market maker in the consignment node network." (col. 4, lines 35 - 44)

With respect to claim 15, Woolston does not have:

"receiving an indication from said authentication unit whether or not said retail product identification code is registered to said store; and

if said indication is positive, generating a certificate of authenticity for said desired retail product."

With respect to claim 22, Woolston does not have:

"a unit to query a third party authentication unit to certify that the authorized owner of said retail product is the owner registered in said point of sale unit."

Woolston might be able to certify the owner of the collectible goods, but Woolston is a market for goods held on consignment. Thus, the owner of the goods in Woolston is not the store and thus, is not "the owner registered in the point of sale unit."

Claim 26 has been made dependent on claim 11

Applicants respectfully assert that independent claims 11, 15 and 22 are allowable over Woolston. Claims 26, 1 - 5, 12 - 14, 16 - 17 and 23 - 25 depend from, directly or indirectly, independent claims 11, 15 and 22 and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 26, 1 - 5, 12 - 14, 16 - 17 and

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23 - 25 are likewise allowable over Woolston. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 1 - 26.

Applicants note the Examiner's citation of Moore, Snow et al., Becker et al., Maritzen, Chamberlain and Beck et al.

The Examiner noted that "Moore (US 6,456,729) discloses anti-counterfeit and tracking system." (Office Action, page 5, section 6, line 3). In order to move prosecution forward, Applicants note that Moore does not have a "third party" authority or authentication unit, as recited in the independent claims. Moore controls the marking and tracking of one manufacturer's goods via a central computer.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to Deposit Account No. 09-0468.

Respectfully submitted,

By: Th C. Kaufman
Stephen C. Kaufman
Reg. No. 29,551
Phone No. (914) 945-3197

IBM Corporation
Intellectual Property Law Dept.
P. O. Box 218
Yorktown Heights, New York 10598